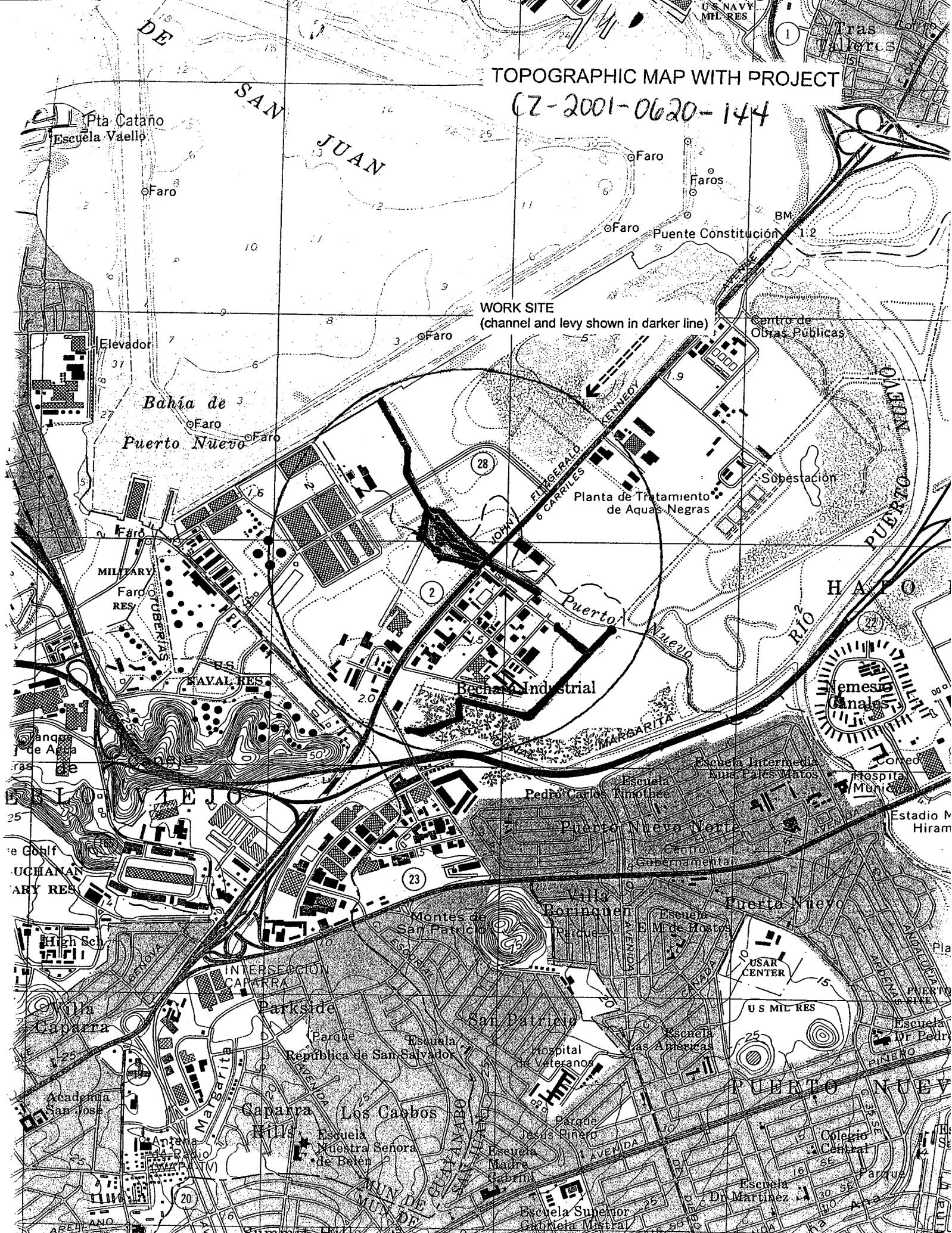
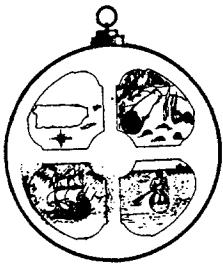


TOPOGRAPHIC MAP WITH PROJECT

GZ-2001-0620-144





Consejo para la Conservación y Estudio de Sitios y Recursos Arqueológicos Subacuáticos

El Arsenal, La Puntilla, Viejo San Juan, Apartado 4184, San Juan, Puerto Rico 00902-4184
Tels. (809) 722-3769, Fax 723-4799

14 de septiembre del 2001

Marissa Tollinchi
Secretaria
Junta de Planificación
P.o. Box 41119
San Juan, PR 00940-1119

ASUNTO: CZ-2001-0620-144
SAN JUAN

Estimada señora Tollinchi:

El Consejo para la Protección del Patrimonio Arqueológico Subacuático, ha evaluado los documentos recibidos en relación al proyecto descrito en referencia.

El proyecto ubica en un área de alta sensibilidad arqueológica, por lo cual, se hace menester requerir estudios arqueológicos a nivel Fase IA-IB.

Favor de referir los resultados para evaluación.

Cordialmente,

Juan Vera Vega
Arqlo. Juan Vera Vega
Director
Oficina del Consejo de Arqueología Subacuática

drs

E.L.A. DE P.R.
JUNTA DE PLANIFICACIÓN
ZONA COSTANERA
2001 OCT - 9 A 8:52
FECHA _____ HORA _____



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Boqueron Field Office
P.O. Box 491
Boqueron, Puerto Rico 00622
September 28, 2001



Ms. Marissa Tollinchi
Secretary
Puerto Rico Planning Board
PO Box 41119
San Juan, PR 00940-1119

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FBI - SAN JUAN

Re: CZ-2001-0620-144, US Army Corps of Engineers, Bechara Industrial Area, Puerto Nuevo

Dear Ms. Tollinchi:

The US Army Corps of Engineers is requesting Coastal Zone Consistency for the Bechara Industrial Area section of the Puerto Nuevo Flood Control Project. Enclosed is a report that the Service provided to the Corps regarding the project.

The project as currently proposed will impact more than the estimated 7.5 acres of wetlands stated in the document. This is because secondary impacts of the project are not being taken into account by the Corps Planning Section. No mitigation plan has yet to be developed for this area, and wetland impacts are still not fully quantified. We recommend that a CZM certificate for this project not be issued until the direct and indirect impacts to wetlands are determined and a mitigation plan is developed for the area.

Thank you for the opportunity to comment on this action, if you have any questions please contact Felix Lopez of my staff at 851-7297 ext. 26.

Sincerely,

A handwritten signature in black ink, appearing to read "James P. Oland".

James P. Oland
Field Supervisor

fhl

cc:

DNER, San Juan

COE, Planning, San Juan

COE, Planning, Jacksonville

EPA, New York

EPA, San Juan

CZM, Washington, DC

EQB, Scientific Assessment Division

COE, Dennis Barnett, Atlanta



United States Department of the Interior

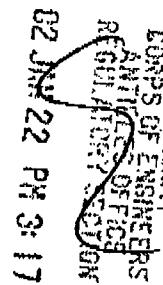


FISH AND WILDLIFE SERVICE

Boqueron Field Office
Carr. 301, KM 5.1, Bo. Corozo
P.O. Box 491
Boqueron, PR 00622

January 17, 2002

Planning Section



Ms. Norma I. Alvira Ruiz
Director, Land Use Planning
Puerto Rico Planning Board
PO Box 41119
San Juan, PR 00940-1119

Re: CZ-2001-0620-144, US Army Corps of Engineers, Bechara Flood Control

Dear Ms. Alvira:

This is to follow up the January 16, 2002, meeting with Planning Board, the US Army Corps of Engineers, DNER and other concerned agencies, to discuss the above Coastal Zone Consistency Certificate. At that meeting the Corps once again stated that moving the proposed levee against the Bechara Industrial Area (BIA) is not feasible and that the mangrove to remain between the BIA and the levee is part of the Nuevo Centro de San Juan mitigation and protected by a conservation easement. This additional work is being added to the Corps Puerto Nuevo Flood Control project at the request of the Commonwealth Government. The Service expressed its concern that although the mangrove area may not be impacted by the levee, it will become isolated on three sides by the BIA and the Corps project. The Service believes that although the mangrove may remain it will be degraded by lack of adequate hydrology and drainage.

During the meeting the Corps agreed to review the overall mitigation plan for the Rio Puerto Nuevo Flood Control project and seek additional mitigation opportunities. The Service agrees with this and had recommended that the mangroves associated with the BIA be included in the Corps mitigation calculations in our previous correspondence with the Corps. Revision of the mitigation plan should be carried out as soon as possible with input from both Federal and Commonwealth resource agencies.

Therefore, if the Corps agrees to revise the mitigation plan for the entire project area to assure that proper compensatory mitigation is carried out for wetland impacts the Service would not have any objections to the issuance of a CZM certificate for this action.

Thank you for the opportunity to comment on this action, if you have any questions please do not hesitate to contact our office.

Sincerely,



Félix López
Acting Field Supervisor

cc:

DNER, San Juan
COE, Planning, San Juan ✓
COE, Planning, Jacksonville
SJBE, San Juan

ATTACHMENT B
CLEAN WATER ACT SECTION 404 (b)(1) EVALUATION



**ESTADO LIBRE ASOCIADO DE PUERTO RICO
OFICINA DE LA GOBERNADORA
JUNTA DE CALIDAD AMBIENTAL**

6 de abril de 2001

DADA 1687-01

**SR. JAMES C. DUCK
JEFE
DIVISION DE PLANIFICACION
DEPARTAMENTO DE LA DEFENSA
CUERPO DE INGENIEROS DE LOS ESTADOS UNIDOS
AVE. PONCE DE LEON #400
SAN JUAN, PUERTO RICO 00901-3299**

**Asunto: DN 01-0644 (ARMY)
PROYECTO CONTROL DE INUNDACIONES
CANAL PUERTO NUEVO/AREA INDUSTRIAL BECHARA
SAN JUAN / GUAYNABO, PUERTO RICO**

Estimado señor Duck:

La Junta de Calidad Ambiental ha analizado el documento ambiental sometido para el proyecto de referencia. El mismo consiste en la realización de labores de limpieza, excavación, instalación de pilotes entre otros como parte de las labores remediativas para controlar las inundaciones en el área.

Entendemos que al presentar el mismo su instrumentalidad ha cumplido con la fase de evaluar el posible impacto ambiental de la acción propuesta, de acuerdo con el Artículo 4(c) de la Ley Sobre Política Pública Ambiental, Ley Número 9 del 18 de junio de 1970, según enmendada. No obstante, para una mejor realización de la acción propuesta esta Junta emite las siguientes recomendaciones:

1. Previo a dar comienzo a la construcción o efectuar algún movimiento de tierra, deben obtener de esta Junta los siguientes permisos:
 - a. Permiso de Fuente de Emisión (PFE) para el polvo fugitivo durante la fase de construcción.
 - b. Para realizar una Actividad Generante de Desperdicios Sólidos (Formulario DS-3).
 - c. Permiso para el Control de la Erosión y Prevención de la Sedimentación.
2. De tener alguna descarga de escorrentía a cualquier cuerpo de agua durante la construcción, deberán consultar con la Agencia Federal de Protección Ambiental para determinar si dicha descarga requiere un permiso "NPDES" de acuerdo al Código Federal de Reglamentación Número 40, Sección 122.26 (b) (14) (x).

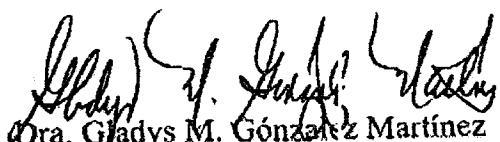
PÁGINA 2

Sr. James C. Duck
DN-01-0644 (ARMY)
6 de abril de 2001

3. Durante la fase de construcción, deberán tomar las medidas necesarias para evitar que residuos de sustancias orgánicas e inorgánicas tales como: aceites, combustibles u otras sustancias químicas, puedan ser arrastradas por la escorrentía y ganen acceso a cualquier cuerpo de agua o al sistema pluvial.
4. La construcción de la estación de bomba deberá cumplir con el requisito de 15 metros de separación de zona de amortiguamiento de cualquier estructura existente o a construirse. La parcela de la estación de bomba deberá estar pavimentada.
5. Para la remoción de los tanques para almacenar combustible deberán obtener los correspondientes permisos del Área de Calidad de Agua de esta Junta.
6. Cumplir con el Reglamento sobre Zonas Susceptibles a Inundaciones (Reglamento Núm.. 13) de la Junta de Planificación.
7. Deberán mantener los camiones de carga que se utilicen para transportar material, desechos de relleno y/o de construcción cubiertos con toldos, mientras estén en movimiento para evitar generación de emisiones de particulado.
8. El almacenaje, manejo y disposición de los desperdicios sólidos a generarse durante la fase de construcción, debe realizarse en conformidad con la reglamentación vigente
9. Durante la fase de construcción del proyecto, se debe cumplir con el Reglamento para el Control de la Contaminación por Ruido, en lo relacionado al nivel de sonido máximo permitido.
10. Cumplir con las recomendaciones y requerimientos de todas las agencias estatales y federales que han sido consultadas respecto al proyecto propuesto.

Agradecemos su cooperación por mantener y conservar nuestro ambiente.

Cordialmente,



Ora. Gladys M. González Martínez
Presidenta

ESTADO LIBRE ASOCIADO DE PUERTO RICO / OFICINA DEL GOBERNADOR



Junta
de Calidad
Ambiental

AG-AFR-idn

JUN 11 1993

JUN 11 1993

Sr. Pedro L. Ruberté
Secretario Auxiliar Interino
Área Control de Inundaciones
Departamento de Recursos Naturales
Apartado 5887
Puerta de Tierra, Puerto Rico. 00906

Re: Certificado de Calidad de Agua
Control de Inundaciones
Río Puerto Nuevo
San Juan, Puerto Rico

Estimado señor Ruberté:

Hemos recibido y evaluado la solicitud de Certificado de Calidad de Agua para un permiso del Cuerpo de Ingenieros de los Estados Unidos para la canalización del Río Puerto Nuevo y sus cinco quebradas tributarias: Quebrada Margarita, Josefina, Doña Ana, Buena Vista y Guaracanal. Las obras propuestas conllevan la canalización y mejoras a canales existentes a lo largo de unos 17.9 kilómetros del Río Puerto Nuevo y sus afluentes. El proyecto incluye lo siguiente:

- a. Río Puerto Nuevo (Canal Principal). Canalización de unos 10.4 kilómetros de canal desde su desembocadura en la Bahía de San Juan hasta la Avenida Winston Churchill en El Señorial. Las obras incluyen 2.7 kilómetros de tablaestacado en un canal trapezoidal y 7.7 kilómetros de canal de hormigón. En este canal también habrá dos estructuras para la disipación de energía, dos estructuras de confluencia a alta velocidad y en la parte superior de la cuenca dos vasijas de sedimentación equipadas con vertederos laterales de salida.
- b. Quebrada Margarita. Las mejoras a esta quebrada consistirán en la ampliación del canal existente por una distancia de unos 2.8 kilómetros, de los cuales 1.1 kilómetros consiste de un canal rectangular de hormigón y 1.6 kilómetros de canal trapezoidal.

Viviendo por la pureza que usted desea, en el ambiente que se rodea.

DIRECCION FISICA: EDIFICIO BANCO NACIONAL PLAZA / AVE. PONCE DE LEON 431 / HATO REY, PUERTO RICO 00917
APARTADO 11488 / SANTURCE, PUERTO RICO 00910 / TELEFONO 767-8181

- c. Quebrada Josefina. Las mejoras consisten de un canal de hormigón de 2.3 kilómetros desde su desembocadura en el Río Puerto Nuevo hasta las cercanías del Hospital de Veteranos.
- d. Quebrada Doña Ana. Esta quebrada también se canalizará en hormigón por una distancia de 1.0 kilómetro.
- e. Quebrada Buena Vista. En el caso de esta quebrada se propone desviarla, con un canal de hormigón de 1.2 kilómetros cruzando terrenos que aún no están desarrollados cerca de la Estación Experimental y el propuesto Jardín Botánico. Las obras incluyen una estructura de confluencia a alta velocidad con el canal principal.
- f. Quebrada Guaracanal. En esta área se propone una sección rectangular de hormigón de unos 819 pies de largo. Habrá una vasija de sedimentación de 6.5 acres con un vertedero lateral de salida de 150 pies de largo.

Las mejoras propuestas requerirán la excavación de aproximadamente 6.5 millones de yardas cúbicas de material. Se anticipa que 2.8 millones de yardas cúbicas excavadas del canal del Río Puerto Nuevo y 0.7 millón de yardas cúbicas excavadas del canal de la Quebrada Margarita serán depositadas mar afuera. Las restantes 3.0 millones de yardas cúbicas de material excavado serán depositadas en áreas designadas para esto. Dos áreas han sido indicadas, una a lo largo del canal del Río Puerto Nuevo y la otra a lo largo de la Quebrada Margarita.

Las obras de canalización propuestas requieren el reemplazo de 17 puentes, la modificación de 8 y la construcción de 5 nuevos puentes (incluyendo dos nuevos puentes peatonales).

Los puentes a reemplazarse son: puente de la Avenida Roosevelt, puente en la Notre Dame, puente de la PR 176, puente peatonal en San Gerardo, puente de la Avenida Piñero, puente de la Avenida Andalucía, puente peatonal Josefina, puente de la Avenida Américo Miranda (sobre Quebrada Josefina), puentes en las siguientes calles: 31 SE, 21 SE, 9na SE y 54 SE, puente en la Américo Miranda (sobre Quebrada Doña Ana), puentes en las calle 29 SE y en la calle 21 SE, puente en la calle 4 y puente de la PR 21.

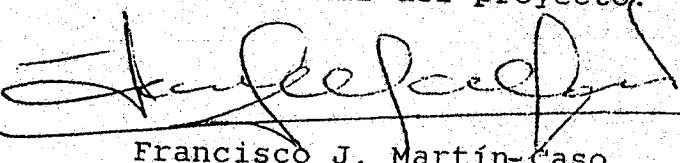
Sr. Pedro L. Ruberté
Certificado de Calidad de Agua
Página 3

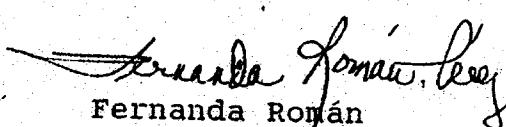
El plan de mitigación por los impactos ambientales de las obras incluye la siembra de manglares a lo largo de la parte inferior del Río Puerto Nuevo, designar como reserva natural los manglares en el área del Puente de la Constitución y otras actividades tales como restauración de humedales en otros sectores.

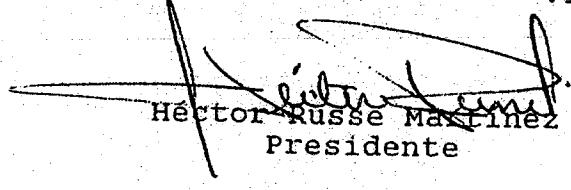
La parte del proyecto desarrollado en la Bahía de San Juan está localizado en área clasificada como SC y el resto del proyecto está localizado en área clasificada SD por el Reglamento de Estándares de Calidad de Agua.

Conforme a la Sección 401 (a) (1) de la Ley Federal de Agua Limpia (la Ley), posterior a la debida consideración de los límites de efluente o estándares establecidos bajo las Secciones 301, 302, 303, 306 y 307 de la Ley, si alguno, y luego de tomar en consideración la clasificación aplicable y estándares que regulan la calidad de las aguas de Puerto Rico, se certifica que existe una certeza razonable, según determinado por la Junta de Calidad Ambiental, de que el proyecto permitido no violará los estándares de calidad de agua aplicables si se cumplen con las limitaciones de la Tabla A-1. Las condiciones especificadas en la tabla antes mencionada, deberán ser incorporadas en el permiso federal para satisfacer las provisiones de la Sección 401 (d) de la Ley.

Esta certificación aplica solamente a los efectos que esta actividad pudiera tener en la calidad de las aguas según definido por las regulaciones y no a otros efectos ecológicos, biológicos o ambientales que puedan resultar del proyecto. Esta Junta se reserva el derecho de comentar en fecha posterior sobre algún otro aspecto ambiental del proyecto.


Francisco J. Martín-Caso
Miembro Asociado


Fernanda Román
Vice Presidente


Héctor Russo Martínez
Presidente

cc: Sr. Carmelo Cáez

TABLA A-1

PARAMETRO	LIMITACION
Sólidos Suspensidos, Coloidales o Sedimentables	Los sólidos provenientes de las obras o sus desperdicios no deberán ocasionar asentamientos, o ser nocivos a aquellos usos específicos de las aguas.
Aceite y Grasa	Las aguas de Puerto Rico deberán estar substancialmente libres de aceites y grasas flotantes no derivados del petróleo, así como de aceites y grasas derivados del petróleo.
Oxígeno Disuelto	Contendrá no menos de 5.0 mg/l excepto cuando causas naturales ocasionen una depresión en este valor.
pH	Deberá siempre permanecer entre 7.3 y 8.5 excepto cuando fenómenos naturales ocasionen que el valor de pH salga fuera de este rango.
Color	No excederá de 15 unidades de acuerdo con los estándares colorimétricos del estándar platino-cobalto, excepto a causas naturales. Disponiéndose que, en casos donde el cuerpo de agua normalmente excede este valor, se podrá utilizar el mecanismo provisto bajo la sección 6.10 de este Reglamento para desarrollar criterios sitio específico.
Turbiedad	No excederá 10 unidades nefelométricas de turbiedad (NTU).

(Translation)

Commonwealth of Puerto Rico
Environmental Quality Board

AG-AFR-idn
JUN 11 1993

Mr. Pedro L. Ruberté
Acting Assistant Secretary
Flood Control Area
Department of Natural Resources
Box 5887
Puerta de Tierra, PR 00906

Re: Water Quality Certificate
Flood Control
Río Puerto Nuevo
San Juan, PR

Dear Mr. Ruberté:

We have received and evaluated the above referenced application for a Water Quality Certificate for a Corps of Engineers Permit for the channelization of the Puerto Nuevo River and its five tributary streams: Quebrada Margarita, Josefina, Doña Ana, Buena Vista and Guaracanal. The proposed works include channelization and improvement to existing channels along some 17.9 kilometers of the Puerto Nuevo River and tributaries. The project includes the following:

a. Puerto Nuevo River (main channel). Channelization of 10.4 kilometers, from its mouth at San Juan Bay up to Avenida Winston Churchill in El Señorial. Works include 2.7 km of bulkhead construction on a trapezoidal channel and 7.7 kilometers of concrete channel. Along this channel there will be two energy-dissipating structures, two high-velocity channel junctions, and in the upper watershed, two sediment basins with lateral spillways.

b. Quebrada Margarita. Improvements to this stream will include widening of the existing stream along 2.8 kilometers, of which 1.1 km will consist of a rectangular concrete channel and 1.6 km will consist of trapezoidal earthen channel.

c. Quebrada Josefina. Improvements consist of an earthen channel 2.3 km long from its mouth at the Puerto Nuevo river, upstream to the vicinity of Veterans Hospital.

d. Quebrada Doña Ana. This stream will also be channeled in concrete for 1.0 kilometer.

e. Quebrada Buena Vista. In the case of this stream, it will be re-routed through a concrete channel 1.2 km long, which

will cross undeveloped lands near the Experiment Station and proposed Botanical Garden. Improvements include a high velocity junction with the main channel.

f. Quebrada Guaracanal. In this section a rectangular concrete channel is proposed, 819 feet long. There will be a sediment basin of 6.5 acres, with a 150-foot long lateral spillway.

The proposed improvements will require the excavation of approximately 6.5 million cubic yards of material. It is expected that 2.8 million cubic yards of material from the main channel and 0.7 million cubic yards from the Quebrada Margarita channel will be deposited offshore in the sea. The remaining 3 million cubic yards of excavated material will be deposited in designated land areas. Two such areas have been indicated, one along the Puerto Nuevo River and one along Quebrada Margarita

The proposed channel improvement works require replacement of 17 bridges, modifications to 8 and construction of 5 new bridges (including two new pedestrian bridges).

The bridges to be replaced are: Roosevelt Avenue, Notre Dame Avenue bridge, PR 176 bridge, Avenida Piñeiro bridge, Andalucia Avenue bridge, Josefina pedestrian bridge, Ave. Americo Miranda bridge (over Quebrada Josefina), and bridges on the following streets: 31 SE, 21 SE, 9th SE and 54 SE, second Ave. Américo Miranda bridge (over Quebrada Doña Ana), bridges on streets 29 SE and 21 SE, bridge on street 4 and bridge on PR 21

The mitigation plan for the environmental impact of the proposed works includes planting mangroves along the lower Rio Puerto Nuevo, designation of the Constitution Bridge mangroves as a natural reserve and other activities such as wetland restoration in other areas.

The part of the project that will occur in San Juan Bay is in waters classified SC and the rest of the project is in waters classified SD by the Water Quality Standards Regulation.

In conformity with Section 401 (a) (1) of the Federal Clean Water Act (the Law), after due consideration of effluent limitation or standards established under Sections 301, 302, 303, 306, and 307 of the Law, if any, and after taking into consideration the applicable classification and standards that regulate water quality in Puerto Rico, it is certified that there is a reasonable certainty, as determined by the Environmental Quality Board, that the permitted project will not violate applicable water quality standards if the limits cited in Table A-1 are complied with. The conditions specified in the abovementioned table must be incorporated in the federal permit to satisfy the provisions of Section 401 (d) of the Law.

Condiciones Especiales

1. La Junta de Calidad Ambiental (JCA) al emitir este Certificado de Calidad de Agua (CCA), no releva al solicitante, Departamento de Recursos Naturales, de su responsabilidad de obtener permiso y/o autorizaciones adicionales de la JCA, según requerido por la Ley. La emisión del CCA no puede considerarse como una autorización para llevar a cabo actividades que no estén específicamente cubiertos en el CCA.
2. El Departamento de Recursos Naturales, deberá implantar el Plan de Mitigación propuesto.
3. El Departamento de Recursos Naturales, deberá cumplir con las condiciones especiales antes mencionadas. De no hacerlo así, el CCA concedido por la JCA será nulo inmediatamente.

This Certificate applies only to the effects that this activity might have on the quality of waters as defined by regulations, and not to ecological, biological or environmental effects incurred as a result of the project. This Board reserves the right to comment at any future date on any other environmental aspect of the project.

(signed)

Francisco Martín-Caso
Associate Member

Fernanda Roman
Vice President

Hector Russe Martinez
President

cc: Mr. Carmelo Caez

(This is a standard table included with all EQB WQC's. It is basically a re-statement of Puerto Rico's Water Quality Standards Regulation.)

TABLE A-1

PARAMETER	LIMITATION
Suspended, colloidal or settleable solids	Solids produced by works or their discharges shall not cause sedimentation or be detrimental to specified uses of receiving waters.
Oil and grease	Waters of Puerto Rico shall be substantially free of floating oils and greases, whether non-petroleum derived or petroleum-derived.
Dissolved Oxygen	Shall be no less than 5 mg/l except when lower values are due to natural causes.
pH	Shall fluctuate only between 6.0 and 9.0 except when higher or lower values are due to natural causes.
Color	Shall not be greater than 15 units according to colorimetric standards of the Platinum-cobalt scale, except when due to natural causes. Provided that, in cases where the water body normally exceeds this value, the mechanism provided in Section 6.10 of this Regulation may be used to develop site-specific criteria.
Turbidity	Shall not exceed 10 nephelometric turbidity units (NTU).

Special Conditions

1. The Environmental Quality Board (EQB), on issuance of this Water Quality Certificate (WQC), does not relieve the applicant, the Department of Natural Resources, of its responsibility for obtaining additional permits and/or authorizations from EQB, as may be required by law. The issuance of the WQC may not be considered as an authorization to carry out any activity that is not specifically covered in the WQC.
2. The Department of Natural Resources must implement the proposed Mitigation Plan.
3. The Department of Natural Resources must comply with the above Special Condition. If it does not, the WQC issued by EQB shall be immediately nullified.

**ATTACHMENT C. FISH AND WILDLIFE COORDINATION ACT
CORRESPONDENCE**

In accordance with procedures adopted under the Fish and Wildlife Coordination Act, the Corps has transferred funding to the Caribbean Field Office, U.S. Fish and Wildlife Service, to obtain information and recommendations regarding fish and wildlife resources in the project area and the recommended plan. A Coordination Act Report from the US Fish and Wildlife Service (FWS) was received, dated July 10, 2001. Comments from the FWS Coordination Act Report and value engineering assessments for the BIA drainage are incorporated below.

The letter reproduced on the next page was received in response to early scoping. FWS objected, in its scoping response, to inclusion of the BIA in the project apparently because it requires some construction (a levee, plus widening of Margarita Creek) in the "Rupert Armstrong" parcel of Commonwealth-owned lands. This objection is not relevant, as the Bechara Area was part of the original (Congressionally authorized) RPN project, and was always expected to receive protection from a 1% recurrence interval flood. The conservation easement over the "Rupert Armstrong" parcel referenced in the FWS letter contains a paragraph that explicitly excludes "lands required for construction of the Rio Puerto Nuevo Flood Control Project." The rest of the parcel is not under control of the Corps or its local sponsor for this project (DNER). However, by re-aligning the "Margarita" levee over an existing power line right-of-way, the Corps is in effect minimizing the adverse consequences of construction of this segment over the referenced parcel. These lands (The power line right of way) are already irreversibly altered by previous deposit and compaction of fill.

The "Nazario Plan" and first permit referenced in the FWS letter was developed by a consultant to the Municipio of San Juan, and refers to drainage for the landfill and San Juan Municipal Public Works area. This consultant also proposed a plan to drain BIA, which is discussed in this EA as New Alternative 3. Table 1 shows that this plan would impact at least 3 acres more wetlands in the Bechara area than the plan recommended in this EA. Its greatest drawback, in addition to its high maintenance and operations cost, is the danger of depending on a pump during major floods associated with tropical storms, when an operator might not be present and an automated (electric) switching system might not be functional.

Mr. James P. Oland
Attn: Mr. Felix Lopez
US Fish and Wildlife Service
P O Box 491
Boqueron, Puerto Rico 00622

Dear Mr. Oland:

This letter responds to yours of October 10, 2001, regarding the area of existing mangrove vegetation south of the Bechara Industrial Area (BIA) and north of the existing power line easement of the Puerto Rico Electrical Power Authority (PREPA).

The Corps believes and has indicated in previous correspondence, that the periodic overflowing of the Puerto Nuevo River (eastern limit of the approximately 2 acres of forested and herbaceous wetland), together with the continued inflow of stormwater from the northern BIA, and groundwater seepage, will maintain a hydrology regime sufficient for the continued existence of the mangrove area. Indeed, raising the PREPA easement two more feet from the current four will result in a reduction although not a complete cessation of the overflow and influence of the Margarita Creek over the area north of the PREPA easement. Given enough rainfall, the waters of Margarita Creek retain the potential to defeat the barrier presented by the PREPA power line easement at the four or six foot height.

Any 'unauthorized and clandestine' fill in the conservation area south of the BIA and north of the PREPA easement will be an open trespass and law violation, and would constitute a matter for regulatory enforcement under Section 404 of the Clean Water Act. The reference in the DEA to the BIA area being desirable for business and development refers to the area north of the conservation easement and in no way should be construed to mean the area already preserved by means of a binding conservation easement. It does not follow that by preventing flooding of the BIA through the conservation easement area, encroachment of the BIA into the conservation easement area will be stimulated, abetted, or somehow be made legal.

The Corps cannot act on the FWS suggestion that the existing PREPA easement, which acts as a levee, be moved against the BIA. Any fill removal or placement would be the responsibility of the local agency administering the conservation easement. And any such replacement of fill would leave the PREPA easement impacts in place, while causing more impacts further north. It would also isolate stormwater influx from the BIA from flowing into the adjacent mangrove wetlands, while maintaining in place the PREPA power line easement to restrict part of the overflow of Margarita Creek.

A maximum total impact to a functional equivalency of 5 acres of wetlands was considered. This resulted in the establishment of wetland creation mitigation that will be enacted upon completion of the construction phase. No additional impacts are expected from the placement of two additional feet of fill in the fill area of the PREPA power line easement. It is for this reason that no further mitigation is offered.

Sincerely,

James C. Duck
Chief, Planning Division

Enclosures

bcc: CESAJ-DP-I (Gonzalez)
CESAJ-DS

Jiménez/CESAJ-PD-EP/ej/2115
Acosta/CESAJ-PD-EP
Dugger/CESAJ-PD-E
Gonzalez/CESAJ-DP-I
Duck/ CESAJ-PD

L:/GROUP/pdep/JIMENEZ/FWS Reply Oct 2001



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Boqueron Field Office
P.O. Box 491
Boqueron, Puerto Rico 00622



October 10, 2001

Mr. James C.Duck
Chief, Planning Division
US Army Corps of Engineers
PO Box 4970
Jacksonville, FL 32232-0019

Re: Bechara Industrial Area

Dear Mr. Duck:

This is in response to your reply regarding our draft Coordination Act Report for the Bechara Industrial Area. Our concerns were centered on an area of mangroves that would be isolated between the industrial area and the proposed Margarita Levee. The construction of flood control works as currently proposed would essentially turn that mangrove wetland into a ponding area for internal drainage. There seems to be some confusion concerning our comments and recommendations.

The acreage of mangroves to be isolated between the Margarita Levee and the BIA is not known. One of our recommendations was to determine the area to be isolated. A rough estimate is about 2 acres of forested and herbaceous wetlands. The 1 acres of mangrove impacts that is mentioned in your reply apparently refers to the estimated acreage of mangroves north of Kennedy Avenue that will be adversely affected during the proposed drainage canal construction.

Our Draft CAR does not discuss the conservation easements on the Rupert Armstrong parcels. That is mentioned in the February 2001, Corps Draft EA as a response to previous comments from the Service.

The point we were attempting to make in the Draft CAR is that the mangrove wetlands between the proposed Margarita Levee and the BIA will be significantly degraded as a result of the proposed project. The Draft EA states that this area has been subject to clandestine and unauthorized filling of wetlands. Aerial photos in the Draft EA attest to this. The DEA also states that the BIA is a desirable area for business and its development has been constrained by frequent flooding. Once this risk is eliminated it is expected that the BIA will expand. The only new area for expansion will be the wetland isolated behind the levee.

The Service's CAR presented two options regarding the expansion of the BIA. One was to move the levee up against the existing BIA. With this option, wetland impacts would increase but could

be adequately compensated with onsite mitigation. The remaining wetlands would not be influenced by the levee. The second would be to mitigate for the loss of functions and values that will occur when the wetland area is cut off by the levee. Your letter does not address the latter option. As stated in our CAR, to assume that this mangrove will remain and continue to function, wedged between the BIA and the Margarita Levee is ingenuous.

We continue to believe that this area should be added to the mitigation calculation and included in the final mitigation plan. We also made some mitigation recommendations in the Draft CAR, that were not addressed in your response.

As stated in our previous letter, a final CAR will be written once a mitigation plan is developed and included in the Final EA. We hope to continue working with your planning personnel both in Jacksonville and in San Juan.

If you have any questions please contact Felix Lopez of my staff at 787-851-7297.

Sincerely,



James P. Oland
Field Supervisor

cc:

COE, San Juan
DNER, Flood Control, San Juan
COE, Dennis Barnett, Atlanta
PRPB, CZM, San Juan



U.S. DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE



FISH AND WILDLIFE SERVICE
Boqueron Field Office
P.O. Box 491
Boqueron, Puerto Rico 00622

July 10, 2001

Mr. James C. Duck
Chief, Planning Division
US Army Corps of Engineers
PO Box 4970
Jacksonville, FL 32232-0019

Dear Mr. Duck:

Enclosed is a Draft Coordination Act Report for the Bechara Industrial Area. This report is written in accordance with Section 2(b) of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 USC 661 et.seq.). A final Coordination Act Report will be issued once a mitigation plan is developed.

If you have any questions please contact Felix Lopez of my staff a 787-851-7297.

Sincerely,

Susan Silander
Acting Field Supervisor

cc:

COE, San Juan
DNER, Flood Control, San Juan